IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22759 of 2004

Between:

Smt.Bhimani Venkata Ratnalu W/o.Venkata Rao
Muthukumalli Village, Savalyapuram (M),
Guntur Dist.

..... PETITIONER

AND

1 The Joint Collector, Guntur,
Guntur Dist.
2 The Revenue Divisional Officer
Narasaraopet, Guntur Dist.
3 The Mandal Revenue Officer
Savalyapuram (M), Guntur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the impugned proceedings Rc.No.1203/04-B dt 2-8-2004 on the file of the Revenue Divisional Officer, Narasaraopet, as illegal, arbitrary and violative of Principles of natural justice and pass such other orders

Counsel for the Petitioner:MR.D.KRISHNA MURTHY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a dealer of the fair price shop of Muthukumalli Village, Savalyapuram Mandal, Guntur District. Her authorization was suspended through an order, dated 02.08.2004, by the 2nd respondent. Aggrieved by the same, petitioner is said to have preferred an appeal to the 1st respondent together with an application for grant of stay. It is alleged that no order has been passed by the 1st respondent either in the appeal or in the application for stay.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order passed by the 2nd respondent, suspending the authorization of the petitioner, discloses that no date is indicated either at the top of the order or under the signature of the 2nd respondent. The month and year are indicated. It is only under the signature of an office staff that the date is put along with month and year. This discloses either indifference or incompetence on the part of the concerned Revenue Divisional Officer in exercising statutory powers. If he did not have the patience to verify the date, it has to be presumed that his functions are confined only to putting signatures, and the actual administration is being run by different agency. It is a sad and poor reflection on the part of the concerned incumbent. It is hoped that such instances are not permitted to recur in future.

Petitioner had availed the remedy of appeal against the order of suspension together with an application for grant of stay. Though more than several months have elapsed, no orders are said to have been passed either in the appeal or in the application for stay. Delay of such a magnitude in disposal of applications for grant of stay, would naturally defeat the rights and may render the appeal itself futile.

The allegation against the petitioner is that she is selling the commodities at a higher price and that she is retaining the coupons. Neither any instances are cited nor the time at which such alleged irregularities have taken place, is mentioned. Such vague and general allegations cannot constitute the basis for suspension. Petitioner states that no show cause notice was issued so far.

Having regard to the facts and circumstances, referred to above, it is directed that the order of suspension passed against the petitioner shall stand stayed, pending disposal of the appeal by the 1st respondent, and the petitioner shall be supplied the essential commodities for distribution in the fair price shop.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 09th December, 2004

Note: Office to furnish copy

in three days.

(B/o.)

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To

1 The Joint Collector
Guntur Dist/.
2 The REvenue Divisional Officer
Narasaraopet, Guntur Dist.
3 The Mandal Revenue Officer
Savalyapuram Mandal, Guntur Dist.

4 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

5 2CD copies.